UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SEAL

UNITED STATES OF AMERICA, Plaintiff,	)	
v.	)	NO. IP#86=29=CR=Ol
BURTON H. GORELICK, Defendant.	)	

AMENDED JUDGMENT AND ORDER OF FORFEITURE

Burton H. Gorelick, and others, were indicted in a second superseding indictment, drawn in nine counts, filed on June 11, 1986. In Count Nine of that indictment, it is alleged that Burton H. Gorelick, from about 1976 through the date of the indictment was employed by and associated with an enterprise, the affairs of which were conducted through a pattern of racketeering activity, as defined by Title 18, United States Code, Section 1961(5), in violation of Title 18, United States Code, Section 1962(e). In part B of Count Nine of the indictment the enterprise is described; in part C of said count of the indictment, racketeering activities are alleged. For the offense alleged in Count Nine of the indictment, forfeiture of certain assets of the defendant Burton H. Gorelick is sought, pursuant to Title 18, United States Code, Section 1963 et seq.

On February 26, 1987, the defendant Burton H. Gorelick entered a plea of guilty to Count Nine of the second superseding indictment filed in the above referenceed cause of action, and agreed to the forfeiture of property described as:

(a) Adult Toy and Gift, 6765 East 38th Street, Indianapolis, Indiana;

(b) Plaza Entertainment, 4266 West 38th Street, Indianapolis, Indiana.

The parcel of real estate at 6765 East 38th Street is more particularly described as follows: Lots 10, 11, 12, 13, 14 and 15 in Rowe's 38th Street Addition, an addition to the City of Indianapolis, as per Plat thereof, recorded in Plat Book 22, page 109, in the Office of the Recorder of Marion County, Indiana.

On February 26, 1987, a judgment and order of forfeiture was entered for the forfeiture of Adult Toy and Gift, 6765 East 38th Street, Indianapolis, Indiana, and Plaza Entertainment, 4266 West 38th Street, Indianapolis, Indiana. That judgment and order of forfeiture, insofar as it concerns Adult Toy and Gift, 6765 East 38th Street, Indianapolis, Indiana, covered only 42% of (what was believed to be the defendant's interest) the aforestated real estste.

The United States of America has moved to amend the judgment and order of forfeiture on the basis that, Pursuant to statute, Congress Vested title to said real estate in the United States as of October 12, 1984. It is alleged in the motion of the United States that Burton Gorelick, a defendant herein, wss the sole owner of record of the real estste at the 6765 East 38th Street,

Indianapolis, Indiana address, on October 12, 1984. Accordingly, it is the position of the United States of America that the entire parcel of real estate is forfeitable to the United States.

On consideration of the materially Pertinent statutes (18 U.S.C. 1961, 1962, and 1963); count 9 of the second superseding indictment: the defendant's plea of guilty to Count 9 of the second superseding indictment, the United States' motion to amend the February 26, 1987 order of forfeiture, and the supplementary material in support of the United States' motion to amend the February 26, 1987 order, the Court now finds that the motion of the United States is supported by the materially pertinent law and facts; and,

The Court hereby finds (1) that on May 14, 1982, Burton H. Gorelick purchased a parcel of real estate located at 6765 East 38th Street, Indianapolis, Indiana; (2) that Burton H. Gorelick recorded his interest in said real estate by recording a deed with the Marion County Recorder; (3) that on October 12, 1984, Burton H. Gorelick was sole owner of record to a parcel of resl estate located at 6765 East 38th Street, Indianapolis, Indiana; (4) that on October 12, 1984, there was in full force and effect, a statute known as the "Comprehensive Forfeiture Act of 1983" (PL 98=#73), Title 18, U.S.C. 1963, which vested title
in the Unitcd States of America; (5) that the period covered by Count 9 of the second superseding indictment is 1976 through the date of the filing of the second superseding indictment: (6) that the pattern of racketeering activi:y alleged in Count 9 of the second superseding indictment comes within the effective date of the "Comprehensive Forfeiture Act of 1983" (cited above): (7) that Burton H.

Gorelick, by his plea of guilty to Count 9 of the second superseding indictment, admits all of the material alleged facts and essential legal elements of said count of the indictment and all proper inferences and legal conclusions concerning said count of the indictment; (8) that Burton H. Gorelick has agreed to the forfeiture of his interest in the property described on page two of this Amended Judgment and Order of Forfeiture pursuant to a plea agreement; (9) that each and every alleged material fact and each and every essential legal element of Count 9 of the second superseding indictment are true; and, accordingly,

The Court concludes that based on defendant Gorelick's plea of Guilty, defendant Gorelick is guilty of the offense charged in Count 9 of the indictment and that the United States of America is entitled to judgment as prayed for in Count 9 of the Second Superseding Indictment.

It is hereby adjudged and ordered that the United States is entitled to judgment and an order of forfeiture, as prayed for in its motion to amend the order entered on February 26, 1987.

It is hereby ordered that the Court's judgment and order, or forfeiture of February 26, 1987, be, and the same is, hereby vacated.

It is hereby adjudged and ordered that Adult Toy and Gift, 6765 East 38th Street, Indianapolis, Indiana, and Plaza Entertainment, 4266 West 38th Street, Indianapolis, Indiana, should be, and the same are, hereby forfeited to the United States of America.

It is further hereby ordered that the United States Attorney General, shall seize said property and undertake such action as provided for by law to protect the interests of the United States, in said property ordered forfeited.

It is further hereby ordered that a copy of this order be recorded in the county in which the real property, described herein, is located, and that a copy of this order shall be recorded, or lodged, in the office of the Secretary of the State of Indiana, or such other state, where the property ordered forfeited, herein, is located.

It is further hereby ordered that the defendant Burton H. Gorelick relinquish the leasehold on the property known as Plaza Entertainment, located at 4266 West 38th Street, Indianapolis, Indiana to the lessor of said property, Burke H. Mendenhall, and that Burton H. Gorelick cease business operations at Plaza Entertainment, on or before March 2, 1987.

It is further hereby ordered that the defendant Burton H. Gorelick, alone, shall be responsible for the settlement of any and all claims made against him in connection with the said lease, without any assumption of, or responsibility by, the United States of America for the payment of damages, if any, as a result of the termination of the lease, referenced herein.

The Court shall retain continuing jurisdiction as is required for the completion of any and all orders herein issued.

Entered this 5th day of June, 1987.

James E. Noland
James E. Noland, District Judge
United States District Court
Southern District of Indiana

DATE: 5 JUN 1987

Copies to:

Charles Goodloe, Jr., Assistant United States Attorney
Office of the United States Attorney
Room 274, United States Courthouse
46 East Ohio Street, Indianapolis, Indiana 46204

James H. Voyles and Dennis E. Zahn
300 Consolidated Building, Indianapolis, Indiana 46204